

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
PLAINTIFF

vs.

CASE NO: 2:05 CR 137-F

GEORGE DAVID SALUM, III,
DEFENDANT.

MOTION TO TRANSCRIBE JURY TRIAL

COMES NOW the Defendant, George D. Salum, III, by and through his court appointed attorney, Donald M. Sheehan, and moves this Court to enter an order to transcribe the Defendant's jury trial so that the undersigned attorney can effectively represent and prepare for the Defendant's sentencing hearing set for June 19, 2006. As grounds he would show this Court that:

1. The Defendant was charged by indictment with the crimes of obstruction of justice and unauthorized access of a computer data base, all felony offenses. The Defendant went to jury trial. The Defendant was convicted at trial.

2. The Defendant had been represented by retained counsel. The Defendant's retained counsel moved the Court for an order to withdraw. The Court granted the motion to withdraw and the Defendant was appointed the Public Defender of the Middle District of Alabama.

3. Due to several conflicts of interest, the Public Defender of the Middle District Alabama moved to withdraw. The Court granted the motion to withdraw.

4. The Public Defender of the Middle District of Alabama decided that outside counsel would be necessary to represent this Defendant. The undersigned attorney is a Criminal Justice Act attorney who practices in the Northern District of Florida. The Court entered an order appointing the undersigned attorney to represent the Defendant.

5. The Defendant has a Sentencing Hearing on June 19, 2006. The undersigned attorney has received the Pre-Sentence Report. The undersigned attorney anticipates filing several objections to the Pre-Sentence Report. So that the undersigned attorney can effectively represent the Defendant and understand the legal and factual issues involved, the undersigned attorney needs the jury trial transcripts.

6. The undersigned attorney, in discussing this case with the Defendant, also anticipates filing a notice of appeal after a judgment and sentence is entered. These transcripts are necessary for a future appeal.

7. The undersigned attorney is only requesting the jury trial transcripts and does not need the opening statement, the closing statement or voir dire transcribed.

8. The undersigned attorney hereby certifies to this Court that he has informed Assistant United States Attorney Dixie Morrow of the contents of this motion and that she has not objection to the Court granting the motion.

WHEREFORE based upon the above stated reasons the Defendant moves this Court to enter an order granting the motion to have the jury trial transcripts for the sentencing hearing.

RESPECTFULLY SUBMITTED this 18th day of April, 2006.

s/Donald M. Sheehan
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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following: Dixie A. Morrow, Esquire, Special Assistant United States Attorney, 21 East Garden Street, Pensacola, Florida 32532502-3675.

s/Donald M. Sheehan
DONALD M. SHEEHAN